IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JANE DOE PLAINTIFF

VS. CIVIL ACTION NO. 3:13CV220-MPM-SAA

RUST COLLEGE and
SYLVESTER OLIVER DEFENDANTS

EMERGENCY AND NECESSITOUS
MOTION TO LIMIT ACCESS OR FILE UNDER SEAL

COMES NOW Rust College, one of the defendants herein, by and through counsel, and files this its Emergency and Necessitous Motion to Limit Access or File Under Seal requesting that the Court Order that the anticipated Motion for Leave to Amend Complaint and related pleadings be available for viewing only by counsel and/or be filed under seal until such time as the merits of the proposed Amended Complaint can be determined by the Court:

1.

By email correspondence on November 20, 2013, counsel for plaintiff provided counsel for defendants a copy of an anticipated Motion for Leave to Amend Complaint. The proposed Amended Complaint was also provided as Exhibit "A" to the Motion for Leave to Amend Complaint. By correspondence on the morning of November 22, 2013, the date of this Motion, counsel for plaintiff indicated that the Motion for Leave to Amend Complaint would be filed today.

2.

The undersigned Counsel for Rust College called counsel for plaintiff to discuss the issues of this Motion but was unable to discuss the issues with her. Rust College is currently unaware of whether or not plaintiff has any objection to the relief requested herein.

3.

This matter involves allegations of sexual assault against Sylvester Oliver and seeks to hold him and Rust College liable for that alleged occurrence. Plaintiff seeks to Amend the Complaint to include factual allegations supposedly provided by seven or more different "Jane Doe" witnesses. The proposed factual allegations, in the form of proffered testimony by Jane Doe witnesses, identify several Rust College employees by name and make highly inflammatory accusations against them. The allegations are not supported by any documentation or named witnesses.

4.

Do to the nature of the proposed amendments against individuals who are not parties to this lawsuit behind witnesses whose identities are withheld under fictitious names, defendant Rust College asks that the anticipated Motion for Leave to Amend Complaint and the proposed Amended Complaint be available for viewing by only attorneys of record and the Court and/or be filed under seal until the merits of the Motion for Leave to Amend Complaint can be determined.

5.

Given the inflammatory content of the proposed Amended Complaint, making allegations about individuals who are non-parties and not sought to be parties, based on anonymous and unsubstantiated proffers of Jane Doe witnesses, Rust College requests that the Motion for Leave to Amend be available for viewing by only attorneys of record and the Court and/or filed under seal until such time as these defendants can move to strike the proposed factual allegations and a resolution of the issue can be made by the Court.

Respectfully submitted,

RUST COLLEGE

BY: /s/ Mitchell O. Driskell, III
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CERTIFICATE

I hereby certify that on November 22, 2013, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered with the Court, and I hereby certify that I have mailed by United States Postal Service the document to the non-ECF participants. The following is a list of counsel of record or parties regardless whether electronically notified by the Court or sent via United States Postal Service by this firm:

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